

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *[Signature]* D.C.  
05 JUL 13 AM 11:03

REBECCA H. TREACE,

)

Plaintiff,

)

v.

) No. 03-2409 ML/P

UNUM LIFE INSURANCE COMPANY  
OF AMERICA,

)

Defendant.

)

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN, MEMPHIS

---

ORDER REGARDING MOTIONS IN LIMINE

---

Before the Court are several motions in limine filed by the parties in this case. With respect to each motion, the Court has reviewed the record and considered the parties' arguments. The Court makes the following findings regarding these motions:

1. Plaintiff's Motion in Limine to Strike the Affidavit of Denise Payne and Exclude Testimony from All Witnesses on Behalf of Defendant Concerning Topics Identified in Plaintiff's Rule 30(b) (6) Deposition Notice Other Than Testimony From Witnesses Produced by Defendant Being Catherine Wardwell and William Bradley, filed March 15, 2005, to which Defendant responded on March 18, 2005, is DENIED.

2. Plaintiff's Motion to Alter or Amend Judgment, filed March 31, 2005, to which Defendant responded on April 11, 2005, is DENIED.

3. The Motion of Unum Life Insurance Company of America to Strike References in Plaintiff's Response to Defendant's Motion for Summary Judgment and Memorandum in Support of Plaintiff's Motion for Partial Summary Judgment to Regulatory Settlement Agreement and Motion in Limine to Exclude Evidence at Trial Relating to Regulatory Settlement Agreement, filed February 1, 2005, to which Plaintiff responded on March 11, 2005, is DENIED without prejudice. Should Plaintiff seek to introduce the agreement or portions thereof at trial, Defendant may renew its objection at that time.

4. Plaintiff's Motion in Limine to Exclude the Expert Testimony of Dr. Shraberg and Ms. Nancy Hughes, filed December 23, 2004, to which Defendant responded on January 25, 2005, is DENIED.

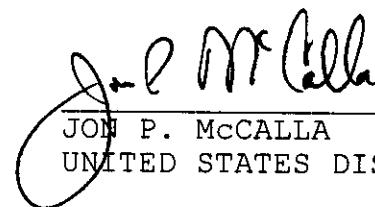
5. Unum Life Insurance Company's Motion to Strike the Deposition Testimony of David Strauser and Motion in Limine to Exclude Trial Testimony from David Strauser, filed February 1, 2005, to which Plaintiff responded on March 11, 2005, is DENIED.

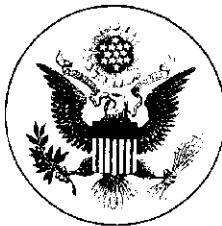
6. Defendant Unum Life Insurance Company's Motion in Limine to Exclude Testimony by Dr. John Black Regarding "Unsound Mind," filed March 21, 2005, to which Plaintiff responded on April 5, 2005, is GRANTED.

7. Plaintiff's Motion to Strike Defendant's Supplemental Memorandum for Summary Judgment on Treace's Fraud Claim, filed April 15, 2005, to which Defendant did not respond, is GRANTED.

8. Plaintiff's Motion in Limine to Exclude Evidence at Trial Concerning Income of Plaintiff Rebecca Treace, filed June 17, 2005, to which Defendant responded on July 5, 2005, is DENIED.

So ORDERED this 13 day of July, 2005.

  
\_\_\_\_\_  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 259 in case 2:03-CV-02409 was distributed by fax, mail, or direct printing on July 13, 2005 to the parties listed.

---

John W. Campbell  
HUSCH & EPPENBERGER  
200 Jefferson Ave.  
Ste. 1450  
Memphis, TN 38103

R. Scott Vincent  
LEITNER WILLIAMS DOOLEY & NAPOLITAN-Memphis  
254 Court Ave.  
Second Floor  
Memphis, TN 38103

S. Russell Headrick  
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ- Memphis  
165 Madison Ave.  
Ste. 2000  
Memphis, TN 38103

James E. King  
ESKINS KING, PC  
50 N. Front St.  
Ste. 1170  
Memphis, TN 38103

Bradley W. Eskins  
ESKINS KING, PC  
50 N. Front St.  
Ste. 1170  
Memphis, TN 38103

Honorable Jon McCalla  
US DISTRICT COURT